



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
|-----------------|-------------|----------------------|---------------------|------------------|

09/989,867

11/20/2001

Kazuhiro Takahashi

B422-175

2336

26272

7590

07/01/2005

COWAN LIEBOWITZ & LATMAN P.C.

JOHN J TORRENTE

1133 AVE OF THE AMERICAS

1133 AVE OF THE AMERICAS

NEW YORK, NY 10036

EXAMINER

LAM, HUNG H

ART UNIT

PAPER NUMBER

2615

DATE MAILED: 07/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/989,867

Applicant(s)

TAKAHASHI, KAZUHIRO

Examiner

Hung H. Lam

Art Unit

2615

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 February 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02/16/05 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. The amendments, filed on 02/16/2005, have been entered and made of record. Claims 1-18 are pending.

In review of Applicant's amendment to Fig. 12, the title, and claim 15, objections to the title, claim 15 and Fig. 12 are hereby withdrawn.

Response to Arguments

2. Applicant's arguments see Amendment (Remarks), Page. 12, filed 02/16/2005, with respect to the rejection(s) of claim(s) 1-18 have been fully considered but they are not persuasive. The amended claims are rejected in view of the same reference as cited in the previous Office Action.

With respect to independent **claims 1 and 7**, the Applicants argue that Cazier (US-6,657,661) fails to teach or suggest detecting the directory of the attribute from among a plurality of directories in which the image files are already stored and there is no teaching of detecting a group having attribute items from among a plurality of groups where the image files are already stored. The Examiner respectfully disagrees. Cazier specifically teaches a digital camera wherein a number or the internal clock of the camera can be used for indexing image file-name when multiple images are taken at the same location (Col. 2, Ln. 47-56). Therefore, the image pickup apparatus taught by Cazier inherently includes a group/directory detecting mean to identify

Art Unit: 2615

where the newly taken image of the same location is going to be stored in. In Col. 2, Ln. 40-43, the image "Waimea Canyon.jpg" was first taken and stored in the group Hawaii/ Kauai among other created groups (Hawaii/... and Hawaii/Maui/...). Once the same name of the location of the newly photographed image (Beach.jpg or Inland.jpg) has been determined, the group/directory detecting means must detect the associated directory in which the newly taken image is stored (Hawaii/Kauai/ Beach.jpg and Hawaii/Kauai/ Inland.jpg). It is noticed that the image Waimea Canyon.jpg was already stored in Hawaii/Kauai before the two newly images (Beach.jpg and Inland.jpg) are captured and stored in the same group.

With respect to independent **claims 13 and 18**, the Applicants argue that Abram (US-6,462,778) fails to teach or suggest detecting the photographer and there is no teaching or suggestion of detecting a directory group corresponding to the photographer detected by the photographer detection means. The term detecting the photographer or detecting a directory/group is broadly interpreted as the CPU, which detects the input from Mom, Dad, or Son and thereby detecting the directory/ group corresponding the photographer's selection (Mom, Dad, Son directory).

In view of the above, the Examiner believes that the broadest interpretation of the present claimed invention does in fact read on the cited reference for at least the reasons discussed above and as stated in the detail Office Action as follows. This Office action is now made final.

Claim Rejections - 35 USC § 102

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Claims 1-9,11-12 are rejected under 35 U.S.C. 102(e) as being anticipated by Caziez (US-6,657,661).

Regarding **claim 1**, Cazier discloses an image pickup apparatus which comprises:

image pickup means (photo sensor array, Fig. 2);

recording means (Fig. 1; 106) for recording an image file containing image data on a recording medium (Fig. 2; 204) according to a file system having a plurality of directories comprising attributes correlating to photographing positions of image data (col. 1, line 55-61; col. 2, lines 16-20; lines 37-42);

position detection means (Fig. 2; 205) for detecting a photographing position of image data newly photographed by said image pickup means (col. 2, lines 5-26); and

control means (Fig. 2; processor) for detecting the directory of the attribute corresponding to the photographing position detected by said position detection means among said plurality of directories in which the image file are already stored and for controlling said recording means so as to store the image file containing the newly photographed image data in the detected directory (Col. 2, Ln. 47-56; Cazier specifically teaches a digital camera with multiple images taking at the same location; it is inherent that the camera includes a group/directory detecting mean to identify where the newly taken image of the same location is

stored in. In Col. 2, Ln. 40-43, the image “Waimea Cayon.jpg” was first taken and stored in the group Hawaii/ Kauai among other created groups {Hawaii/... and Hawaii/Maui/...}. Once the same name of the location of the new image {Beach.jpg or Inland.jpg} has been determined, the group/directory detecting mean must inherently detects the associated directory in which the newly taken image is stored {Hawaii/Kauai/ Beach.jpg and Hawaii/Kauai/ Inland.jpg}. It is noticed that the image Waimea Cayon.jpg was already stored in Hawaii/Kauai before the two newly images {Beach.jpg and Inland.jpg} are captured and stored in the same group).

Regarding **claim 2**, Cazier discloses an apparatus wherein said control means (Fig. 2; processor) controls said recording means so as to store the image file in the directory (“Hawaii/Kauai/”, col. 2 line 35-55) of the attribute (col. 2, lines 27-30) having high correlation with the photographing position detected by said photographing position detection means (206) among said plurality of directories (Col. 2, Ln. 1-50; processor shown in Fig. 2 inherently controls the whole operation of the camera in order to store the image files {East Beach, Kona, Waimea Cayon} which correlates to the name of the location detecting from the GPS).

Regarding **claim 3**, Cazier discloses an apparatus wherein said control means (Fig. 2; processor) forms a directory corresponding to said detected photographing position when there exists no directory corresponding to the photographing position detected by said photographing position detection means among said plurality of directories (col. 2, line 31-65; new directory are formed as shown “Hawaii”, “Hawaii/Maui” “Hawaii/Kauai” as the photographer moves move from one place to other), and controls said recording means so as to store the image in the

Art Unit: 2615

formed directory (col. 2, line 37; col. 3, lines 1-36; see the images files that are store in the group directories: "Hawaii/Maui/" and "Hawaii/Kauai/").

Regarding **claim 4**, Cazier discloses an apparatus wherein said control means (Fig. 2; processor) controls said recording means (Fig. 2; 204) so as to form the directory (col. 2, line 37; old directory is interpreted as "Hawaii/Maui/"; new formed directory is interpreted as "Hawaii/Kauai/") corresponding to the detected photographing position according to that said detected photographing position has changed from a predetermined position by more than a predetermined amount (col. 2, line 5-43; the photographer moves a distance within Hawaii from Maui to Kauai; therefore, the new sub directory "Kauai" is formed; GPS database has a set of name correspond to the range between township, section, city and state).

Regarding **claim 5**, Cazier discloses an apparatus wherein the predetermined position is a photographing position of a second image data photographed by said image pickup means immediately before newly photographed image data (col. 2, lines 40-43; col. 3, Ln. 15-22; image files are added immediate after one another to "Hawaii/Kauai"; predetermined position is interpreted as the distance from the Beach {position of second image} to Waimea Canyon or from Inland {position of second image} to Beach).

Regarding **claim 6**, Cazier further discloses an apparatus comprises a display unit (Fig. 2; 214), wherein said control means (processor) display information indicating attribute of said plurality of directories on said display unit (Co. 1, Ln. 56-60; Col. 3, Ln. 58-65; it is noticed that

Cazier teaches a method for organizing and presenting the name of the image and the path in a more meaning ways in Col. 2, Ln. 1-67; therefore, the display unit must be controlled by the control means to show all these meaning full names of the plurality of directory).

Regarding **claim 7**, Cazier discloses an image pickup apparatus which comprises image pickup means (Fig. 2; sensor array);

recording means storage (Fig. 1; 106) for allotting image data to a plurality of groups (col. 2, lines 33-35) having different kinds of attribute items (level of state, city, name of location; col. 2, lines 33-35) associated with a photographing position of the image data (col. 2, line 33-35) and recording the image data on a recording medium (Fig. 2; image storage) according to the allotted group (images are recorded into different sub directories as shown in Maui and Kauai; col. 2 lines 40-43);

position detection means (Fig. 2; 205) for detecting the photographing position (image was taken at Waimea Canyon, col. 2, line 40) of the image data ("Waimea Canyon.jpg" , col. 2, line 40) newly photographed by said image pickup means (photo sensor array, Fig. 2); and

control means (Fig. 2; processor) for detecting the group having the attribute items of the kinds having high correlation with the photographing position detected by said position detection means among said plurality of groups where the image data are already allotted and for controlling said recording means so as to record the newly photographed image data by allotting the newly photographed image data to the detected group (Col. 2, Ln. 47-56; Cazier specifically teaches a digital camera with multiple images taking at the same location; it is inherent that the camera includes a group/directory detecting mean to identify where the newly

Art Unit: 2615

taken image of the same location is stored in. In Col. 2, Ln. 40-43, the image “Waimea Canyon.jpg” was first taken and stored in the group Hawaii/ Kauai among other created groups {Hawaii/... and Hawaii/Maui/...}. Once the same name of the location of the new image {Beach.jpg or Inland.jpg} has been determined, the group/directory detecting mean must detect the associated directory in which the newly taken image is stored {Hawaii/Kauai/ Beach.jpg and Hawaii/Kauai/ Inland.jpg}. It is noticed that the image Waimea Canyon.jpg was already stored in Hawaii/Kauai before the two newly images {Beach.jpg and Inland.jpg} are captured and stored in the same group).

Regarding **claim 8**, Cazier discloses an apparatus wherein said plurality of attribute items (col. 2, lines 27-30) include at least one of latitude and a longitude (col. 2 lines 5-7).

Regarding **claim 9**, Cazier discloses an apparatus wherein said plurality of attribute items (col. 2, lines 27-30) include a photographing area (Different zones can be named as different directories name as shown in the example of Hawaii; col. 2, line 40).

Regarding **claim 11**, Cazier discloses an apparatus wherein said control means (Fig. 2; processor) controls said recording means (processor is used to control the storage 204 in Fig. 2) so as to form a new group (new directory are formed as shown “Hawaii/Kauai”, col. 2, line 37) having attribute corresponding to the detected photographing position (photographer moves to Kauai; col. 2, line 37) when there exists no group (the child directory, “Kauai” does not exist when photographer was in Maui) having the attribute items (col. 2, lines 27-30) having high

correlation with the detected photographing position (Kauai; col. 2, line 43) among said plurality of groups (col. 2 line 33).

Regarding **claim 12**, Cazier discloses an apparatus wherein said control means (Fig. 2; processor) controls said recording means (Fig. 2; the storage 204) so as to use a predetermined kind (GPS database has a set of name correspond to the range between township, section, city and state, col. 2, lines 5-27) of attribute items as the name of said new group ("Hawaii/Kauai" group directory is used to record and allot more image files after it is formed; col. 2 line 40-43).

Claim Rejections - 35 USC § 103

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

6. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cazier in view of Patton et al. (US-6,408,301).

Regarding **claim 10**, Cazier does not expressly disclose an apparatus wherein said plurality of attribute items include a height above sea level. However, this limitation is well known in the art as taught by Patton.

In the same field of endeavor, Patton teaches an indexing camera (10), which provides automatic recorded information, associated with each image (col. 3 lines 43-65; col. 4, lines 20-27). Patton further teaches that automatically recorded metadata may include GPS location, attitude, altitude and direction (col. 4, line 28-34; it is noted that altitude shows height above sea

level). In light of the teaching from Patton, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the digital camera taught in Cazier by storing images according to GPS locations, altitude, attitude or direction. The modification thus provides a camera user mean to create various image files having attributes according to GPS information.

7. Claim 13,14,16-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Abram et al. (US-6,462,778).

Regarding **claim 13**, Abram et al. disclose an image pickup apparatus which comprises:

image pickup means (Fig. 2; ccd 120);

recording means (Figs. 2-3; 150, 350) for allotting image data to a plurality of groups corresponding to the photographers of the image data (Dad, Mom, Son; col. 4, lines 18-22) and recording the image data on the recording medium according to the allotted groups (Fig. 5; col. 3, lines 14-20; col. 4, lines 20-22);

photographer detection means (user input and processor) for detecting the photographer of the image data newly photographed by said image pickup means (col. 4, lines 25-50; col. 5, lines 20-50); and

a control means (Figs. 2-3; processor) for detecting the group corresponding to photographer detected by said photographer detection means among said plurality of group where the image data are already allotted (Col. 3, Ln. 14-30; Col. 4, Ln. 41-58; Col. 5, Ln. 25-50; it is broadly interpreted that the processor detects one of the Mom, Dad, or Son group/directory corresponding to the user input selected by Mom, Dad, or Son respectively;

Art Unit: 2615

Col. 4, Ln. 15-21 shows that menu items: Mom, Dad, Son, Birthday, Vacation, Graduation are selected from the user for storing an image that is associated with the user; therefore, the image data is inherently allotted in one of the menu items above) and for controlling said recording means so as to record the newly photographed image data by allotting the newly photographed image data to the detected group (Col. 4. Ln. 13-67; the processor must control the recoding means to record the image into the associated group corresponding to the user input {Mom, Dad, Son}).

Regarding **claim 14**, Abram et al. disclose an apparatus wherein said control means (Figs. 2-3; processor) controls said recording means so as to allot the newly photographed image data to the group having the name of a photographer detected by said photographer detection means (user input and processor) means among said plurality of groups (Col. 3, Ln. 14-30; Col. 4. Ln. 13-67; the processor must control the recoding means to record the image in to the associated group corresponding to Mom, Dad, or Son as inputted by Mom, Dad, or Son).

Regarding **claim 16**, Abram et al. disclose an apparatus wherein the control means (Figs. 2-3; processor) controls said recording means so as to form a group corresponding to the detected photographer according to that the detected photographer has changed from the photographer of the image data photographed by said image pickup means (110) immediately before the newly photographed image data (col. 4, line 22-40; Mom, Dad, Son, and Friend categories/ directories are selected according to the users; therefore, the processor controls the

recording mean to act on one of Mom, Dad, Son, Friend directory in order to store the newly photographed image data respectively).

Regarding **claim 17**, Abram et al. disclose an apparatus which further comprises:

a display unit (display unit, Figs. 2-3), wherein said control means (140) displays the information showing the name of the photographer corresponding to said plurality of groups on said display unit (Figs. 5-6; col. 3, line 27-29; col. 5, lines 27-60).

Regarding **claim 18**, Abram et al. disclose an image pickup apparatus which comprises:

image pickup means (ccd 120, Fig. 2);

recording means (150, Fig. 2, col. 3, lines 14-20) for recording an image file containing image data on a recording medium according to a file system having a plurality of directories (see Figs. 5,6,8) having the attributes associated with a photographing position (Fig. 8, col. 6, lines 14-55) and a photographer (Figs. 5-6, col. 4, lines 17-30);

position detection means for detecting the photographing position of image data newly photographed by said image pickup means (location determination unit 375, Fig. 3; col. 3, lines 55-65; col. 6, lines 20-56);

photographer detection means (user input and processor) for detecting the photographer of the newly photographed image data (col. 4, 25-50; col. 5, lines 30-50); and

control means (processor) for detecting the directory of attribute corresponding to the photographing position detected by said position detection means and the photographer detected by said photographer detection means among said plurality of directories in which the image

file are already stored and for controlling said recording means so as to store the image file containing the newly photographed image data in the detected directory (Fig. 3; 375; col. 3, lines 14-17; col. 3, lines 55-65; col. 6, lines 20-56; it is noticed that Abram teaches the method and system wherein the image is categorized by user input menu in Col. 4, Ln. 13-67, the voice recognition software in Col. 5, Ln. 25-67, and the geographic detection mean in Col. 6, Ln. 1-56; therefore it is inherent that the control means must be able to determined the directory of attribute corresponding to the user input menu, voice recognition software and geographic detection mean. See flow chart in Fig. 9; since the camera is used many time, images are already stored in one of the attribute directory or category; therefore, the control means must be able to determine or detect the associated directory that the newly photographed is stored).

8. Claims 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Abram et al.

Regarding **claim 15**, Abram et al. disclose an apparatus wherein the control means (Fig 2; processor) forms a new group corresponding to the detected photographer (col. 6, lines 13-56; the processor control the recording mean to act on the new group corresponding to the selection from Mom, Dad, Son as the camera user). Abram further teaches that if user's choice does not associate with the image file, user may chose a more descriptive file name (col. 4, lines 41-45). Or if the voice recognition does not recognize the words in digital audio, the naming process may process with default process for determining a file name (col. 5, lines 29-32), but Abram et al. do not particularly disclose that a new photographing position group is forms when there

exists no group corresponding to the photographer detected by said photographer detection means.

However, the examiner takes Official Notice that it is well known in the art for forming a new group of directory as a default when a certain criteria is not fulfilled. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the naming convention of Abram et al. by specifically forming a new photographing position group when no photographer is found in order to continue on with the default naming procedures.

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Art Unit: 2615


10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hung H. Lam whose telephone number is 571-272-7367. The examiner can normally be reached on Monday - Friday 8AM - 5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's primary, NGOC YEN VU can be reached on 571-272-7320. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HL

06/24/05



NGOC-YEN VU
PRIMARY EXAMINER